

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

BILLY BRANTLEY, et al.	:	Case No. C-1-01-378
	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	
vs.	:	
	:	
CINERGY CORP.	:	SUPPLEMENTAL
	:	AFFIDAVIT OF JAY R. ALVARO, ESQ.
	:	<u>RE: EEOC CHARGES</u>
Defendant.	:	
	:	

STATE OF OHIO                    )  
  )ss.  
COUNTY OF HAMILTON        )

Comes now affiant, Jay R. Alvaro, Esq., after being duly cautioned and sworn, deposes and states as follows:

1. That I am presently employed by Cinergy Services, Inc. in the position of Senior Counsel in the Legal Department.
2. That as part of my responsibilities as Senior Counsel and previously Counsel in the Legal Department, I am involved in the review and handling of charges filed by employees with the Equal Employment Opportunity Commission ("EEOC") and in the preparation of EEOC responses.
3. That on or about April 11, 2000, a Charge of Race Discrimination by Billy Brantley was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "A" is a true and accurate copy of same.

4. That on or about August 29, 2000, an Amended Charge of Race Discrimination by Billy Brantley was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "B" is a true and accurate copy of same.

5. That on or about December 19, 2000, a Request for Withdrawal of Charge Discrimination was signed and filed by Billy Brantley and that Exhibit "C" is a true and accurate copy of same.

6. That on or about January 10, 2001, the EEOC issued a Withdrawal of Charge-Grant in response to Billy Brantley's request for a Right to Sue Letter and in order to pursue this matter in Federal Court and that Exhibit "D" is a true and accurate copy of same.

7. That on or about March 13, 2001, the EEOC issued a Notice of Right to Sue as to Billy Brantley and noted "More than 180 days have passed since the filing of this charge" and "The EEOC is terminating its processing of this charge and that Exhibit "E" is a true and accurate copy of same.

8. That on or about April 11, 2000, an original Dual Charge of Discrimination by Todd Tolbert was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "F" is a true and accurate copy of same.

9. That on or about December 20, 2000, a Request for Withdrawal of Charge Discrimination was signed and filed by Todd Tolbert and that Exhibit "G" is a true and accurate copy of same.

10. That on or about April 11, 2000, a second Dual Charge of Race Discrimination by Rodney V. Jones was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "H" is a true and accurate copy of same.

11. That on or about August 29, 2000, an Amended Charge of Race Discrimination by Rodney V. Jones was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "I" is a true and accurate copy of same.

12. That on or about December 18, 2000, a Request for Withdrawal of Charge Discrimination was signed and filed by Rodney V. Jones and that Exhibit "J" is a true and accurate copy of same.

13. That on or about February 1, 2001, the EEOC issued a Withdrawal of Charge-Grant in response to Rodney V. Jones' request for a Right to Sue Letter and in order to pursue this matter in Federal Court and that Exhibit "K" is a true and accurate copy of same.

14. That on or about March 13, 2001, the EEOC issued a Notice of Right to Sue and noted "More than 180 days have passed since the filing of this charge" and "The EEOC is terminating its processing of this charge and that Exhibit "L" is a true and accurate copy of same.

15. That on or about April 11, 2000, a second Dual Charge of Race Discrimination by Anthony Martin was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "M" is a true and accurate copy of same.

16. That on or about August 28, 2000, an Amended Charge of Race Discrimination by Anthony Martin was signed and filed with assistance of counsel, William P. Whalen, and that Exhibit "N" is a true and accurate copy of same.

17. That on or about December 18, 2000, a Request for Withdrawal of Charge Discrimination was signed and filed by Anthony Martin and that Exhibit "O" is a true and accurate copy of same.

18. That on or about February 1, 2001, the EEOC issued a Withdrawal of Charge-Grant in response to Anthony Martin's request for a Right to Sue Letter and in order to pursue this matter in Federal Court and that Exhibit "P" is a true and accurate copy of same.

19. That I have firsthand knowledge of the above.

FURTHER AFFIANT SAYETH NAUGHT.

Dated 7/30/03

Jay R. Alvaro  
Jay R. Alvaro

NOTARY OF PUBLIC

Sworn to and subscribed in my presence this 30<sup>th</sup> day of July, 2003.

JILL T. O'SHEA, ATTORNEY AT LAW  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION HAS NO EXPIRATION  
DATE. SECTION 147.03 O.R.C.

Jill T. O'Shea  
Notary Public

Respectfully submitted,

Jill T. O'Shea  
Jill O'Shea (0034692)  
CINERGY SERVICES, INC.  
139 East Fourth St., Room 25 AT II  
Cincinnati, Ohio 45201-0960  
Telephone: (513) 287-2062  
Facsimile: (513) 287-3810

*Attorney for Defendant  
Cinergy Corp.*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing pleading was served via hand-delivery this 1<sup>st</sup> day of August, 2003 to:

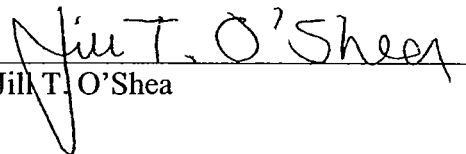
Paul H. Tobias  
David D. Kammer  
TOBIAS, KRAUS & TORCHIA, LLP  
414 Walnut Street  
Suite 911  
Cincinnati, OH 45202

I certify that a copy of the foregoing pleading was served via overnight mail this 1<sup>st</sup> day of August 2003 to:

David W. Sanford  
Eric Bachman  
Charles Dixon  
GORDON, SILBERMAN, WIGGINS & CHILDS, P.C.  
7 DuPont Circle  
Suite 200  
Washington, D.C. 20036

I certify that a copy of the foregoing pleading was served via overnight mail this 1<sup>st</sup> day of August 2003 to:

Grant E. Morris LAW OFFICES OF GRANT E. MORRIS  
7 DuPont Circle  
Suite 250  
Washington, D.C. 20036

  
Jill T. O'Shea

**OHIO CIVIL RIGHTS COMMISSION AND EEOC**

Exhibit "A"

NAME (INDICATE MR., MS., MRS.)

Billy Brantley

HOME TELEPHONE (INCLUDE AREA CODE)

513 942-8242

STREET ADDRESS

2853 SATURN DR

CITY, STATE, ZIP CODE AND COUNTY

Fairfield OH 45014

DATE OF BIRTH

9-29-66

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

Cinergy

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

NAME

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE  
EARLIEST(ADEA/EPA) LATEST (ALL)

☒ CONTINUOUS ACTION

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

1991-5-17-2000

Cinergy Gas & Electric Co., Inc., has consistently limited or blocked my ability to receive promotions. Cinergy's hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

The policies adopted by Cinergy have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy, thriving work environment.

CINCINNATI

MAY 17 2000

PM

[X] I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (WHEN NECESSARY FOR STATE AND LOCAL REQUIREMENTS)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF COMPLAINANT

Billy Brantley

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(DAY, MONTH, YEAR)

11-4-00

4/11/00  
DATE

Billy Brantley  
CHARGING PARTY SIGNATURE

Notary Public for the State of Ohio  
My Commission Expires 12/31/03 R.C.

CHARGE OF DISCRIMINATION  
 This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY  
☒ FEPA  
☒ EEOC

CHARGE NUMBER  
 75051700 (28378) 051700,  
 22A A0 1851 AMENDED

**OHIO CIVIL RIGHTS COMMISSION AND EEOC**

Exhibit "B"  
 Page 1 of 2

State or Local Agency, if any

(INDICATE MR., MS, MRS.)

y Brantley

HOME TELEPHONE (INCLUDE AREA CODE)

513-942-8242

STREET ADDRESS CITY, STATE, ZIP CODE, AND COUNTY

53 Saturn Drive Fairfield, OH 45014

DATE OF BIRTH

9-29-66

EMPLOYER IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO  
 DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW.)

NAME	NUMBER OF EMPLOYEES	TELEPHONE (INCLUDE AREA CODE)
Cinergy Corp.	+15	513-742-8609

STREET ADDRESS CITY, STATE AND ZIP CODE

East Fourth Street P O Box 960 Cincinnati, OH 45201-0960

COUNTY

Hamilton

TELEPHONE (INCLUDE AREA CODE)
-------------------------------

STREET ADDRESS CITY, STATE AND ZIP CODE

COUNTY

**USE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))**

RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
 NATIONALITY ☐ AGE ☐ DISABILITY ☐ OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE

EARLIEST(ADEA/FEPA) LATEST(ALL)

Prior to and on May 17, 2000

[ x ] CONTINUING ACTION

PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

I am a Black male. I have taken the test for Lineman "A" several times.

I. The percentage of Blacks that work for the company is far below the demographics for this area demonstrating the percentage of Blacks living in this area. The company's hiring and promotional policies adversely impact Black persons. In addition, to contributing to negative items in my employee personnel jacket. The company has created a hostile work atmosphere, and I am held to a different standard. Prior to and on May 17, 2000, I have been denied the Lineman "A" position.

*Lead Person BB*

II. There is no reason for the disparate treatment.

III. I believe that I have been unlawfully discriminated against because of my race, Black for the following reasons:

a. Cinergy Corp. has consistently limited or blocked my ability to receive promotions. Hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I  
 CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH  
 THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (When necessary for State and Local Requirements)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND  
 THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION  
 AND BELIEF.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(DAY, MONTH, YEAR)

8/29/00

OHIO CIVIL RIGHTS COMMISSION

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

*Bill Brantley*

8/29/00

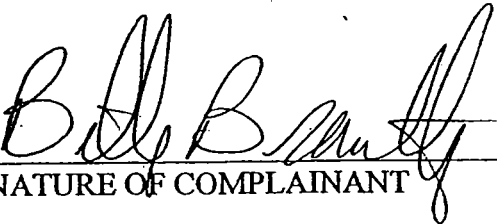
CHARGING PARTY SIGNATURE

THE TWO OF TWO

Brantley v. Cinergy Corp.

51700 (28378) 051700, 22A A0 1851 AMENDED

- b. The policies adopted by Cinergy Corp. have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.
- c. The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy thriving work environment.
- d. I have trained a number of Caucasian men, who have passed the company's test.
- e. I have filled the Lineman "A" position several times on a temporary basis. There are no Blacks in the supervisor position in this area.

  
SIGNATURE OF COMPLAINANT

8/29/00  
DATE

  
J.R.C. REPRESENTATIVE/NOTARY

7-29-00  
DATE

Notary Public, State of Ohio  
My Commission Expires 07/29/03  
data, Section 107.03 (C)



OHIO CIVIL RIGHTS COMMISSION  
AND  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR WITHDRAWAL OF CHARGE DISCRIMINATION

You have requested withdrawal of your dual-filed charge from the Ohio Civil Rights Commission (OCRC) and the Equal Employment Opportunity Commission (EEOC). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by both Commissions, your request will be considered and acted upon when received. Please note that both Commissions are still prepared to proceed with your case if you so desire.

75051700 (28378) 051700

OCRC CASE NUMBER

22A A0 1851 Amended

EEOC CASE NUMBER

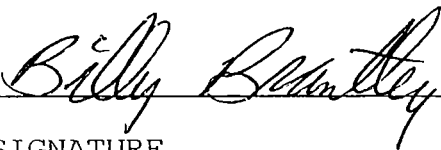
Billy BrantleyCinergy Corp. and The  
Cincinnati Gas & Electric Company

CHARGING PARTY

RESPONDENT

CHARGING PARTY -- COMPLETE INFORMATION BELOW

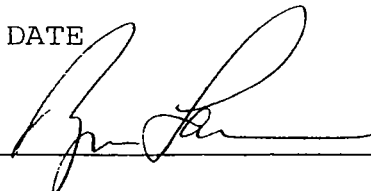
I am aware that OCRC and EEOC protect my rights to file a charge and have been advised that it is unlawful for any person covered by ORC-4112 or the laws administered by EEOC to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal. I am requesting a Right to Sue Letter, upon the advise of my Attorney. I understand that this is the final resolution of this matter with the Commission.



SIGNATURE

12/19/00

DATE



WITNESS

OHIO CIVIL RIGHTS COMMISSION



# Ohio Civil Rights Commission

"Many Faces...One Cause"

JAN 10 2004

Mr. Billy Brantley  
2853 Saturn Drive  
Fairfield, OH 45014

Re: Billy Brantley v. Cinergy Corp. and The  
Cincinnati Gas & Electric Company  
75051700 (28378) 051700, 22A A0 1851  
Amended

**CENTRAL OFFICE**

111 E. Broad Street, Suite 301  
Columbus, Ohio 43205-1379  
(614) 466-2785  
TTY (614) 466-9353  
X (614) 644-8776

**KRON REGIONAL OFFICE**

Kron Government Center  
11 S. High Street, Suite 205  
Columbus, Ohio 44308  
(614) 643-3100  
TTY (614) 643-3120  
X (330) 643-3120

**CINCINNATI REGIONAL OFFICE**

Holiday Park  
11-B W. 8th Street, 2nd Floor  
Cincinnati, Ohio 45203  
(513) 852-3344  
TTY (513) 852-3357  
X (513) 852-3357

**CLEVELAND REGIONAL OFFICE**

5 W. Superior Avenue, Suite 885  
Cleveland, Ohio 44113  
(216) 787-3150  
TTY (216) 787-4121  
X (216) 787-4121

**COLUMBUS REGIONAL OFFICE**

111 E. Broad Street, Suite 301  
Columbus, Ohio 43205-1379  
(614) 466-5928  
TTY (614) 466-6250  
X (614) 466-6250

**DAYTON REGIONAL OFFICE**

W. 4th Centre, Suite 1900  
Dayton, Ohio 45402-1831  
(937) 285-6500  
TTY (937) 285-6606  
X (937) 285-6606

**DELEDO REGIONAL OFFICE**

Government Center  
Jackson & Erie Streets, Room 936  
ledo, Ohio 43604  
(419) 245-2900  
TTY (419) 245-2668  
X (419) 245-2668

Dear Mr. Brantley:

This letter serves to advise you that I am submitting to the Commission a **Withdrawal of Charge-Grant** recommendation based on the following:

You are requesting a Right To Sue Letter in order to pursue this matter in federal court

You will be notified of the Commission's action on this case recommendation at a later date.

Thank you for your cooperation. If there are any additional questions, please contact the undersigned at (513) 852-3344.

Sincerely,

Sharon R. Griffin  
Civil Rights Representative  
Cincinnati Regional Office

EQUAL EMPLOYMENT OPPORTUNITY COMM. ON

## NOTICE OF RIGHT TO SUE

( Issued on request )

MAR 13 2001

CINERGY CORP.  
LEGAL DEPT.

To: Billy Brantley  
2853 SATURN DR.  
FAIRFIELD, OH 45014

## From:

EQUAL EMPLOYMENT OPPORTUNITY COMM.  
Equal Employment Opportunity Comm  
1660 W 2nd St, Skylight Tower, #850  
Cleveland, OH 44113-1412

☐ On behalf of a person aggrieved whose identity is **CONFIDENTIAL**  
( 29 C.F.R. 1601.7(a) )

## Charge Number

22AA01851

## EEOC Representative

Legal Dept. Duty Officer

## Telephone Number

(216) 522-7445

( See the additional information attached to this form )

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue. It is issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.  
☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.  
☒ The EEOC is terminating its processing of this charge.  
☐ The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.  
☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required). EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission

*Michael C. Fetzer*  
Michael C. Fetzer, Director

MAR 13 2001

(Date)

## Enclosure(s)

cc: Executive Officer  
CINERGY CORP.  
139 E. FOURDEN ST.  
P.O. BOX 960  
CINCINNATI, OH 45201-0960

*(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/96 to 12/1/96, you should file suit before 7/1/98 -- not 12/1/98 -- in order to recover unpaid wages due for July 1996. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII and the ADA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

## OHIO CIVIL RIGHTS COMMISSION AND EEOC

Exhibit "F"

Page 1 of 3

NAME (INDICATE MR., MS., MRS.)

Mr. Todd Tolbert

HOME TELEPHONE (INCLUDE AREA CODE)

(513) 521-9844

STREET ADDRESS

8563 Oak RD #3

CITY, STATE, ZIP CODE AND COUNTY

CINTI OH 45231

DATE OF BIRTH

12-15-67

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

NAME

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE  
EARLIEST (ADEA/EPA) LATEST (ALL)☒ CONTINUOUS ACTION

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

1994-5-17-2000

Cinergy Gas & Electric Co., Inc., has consistently limited or blocked my ability to receive promotions. Cinergy's hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

The policies adopted by Cinergy have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy, thriving work environment.

CINCINNATI

MAY 17 2000

FBI  
8:09:11 PM  
5-18-00

☒ I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (WHEN NECESSARY FOR STATE AND LOCAL REQUIREMENTS)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF COMPLAINANT

Todd Tolbert

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(DAY/MONTH, YEAR)

4/10/00

DATE 4-11-00

CHARGING PARTY SIGNATURE

NOTARY PUBLIC, STATE OF OHIO  
My Commission has no expiration date, Section 147.05 R. C.

**Todd Tolbert**  
**V**  
**Cinergy Gas & Electric Co.**

PERSON FILING CHL E  
 Todd Tolbert

Exhibit "F"  
 Page 2 of 3

THIS PERSON (✓check one)

- ☒ CLAIMS TO BE AGGRIEVED  
☐ IS FILING ON BEHALF OF ANOTHER

DATE OF ALLEGED VIOLATION

@

Earliest 5/17/00

Most Recent

PLACE OF ALLEGED VIOLATION  
 139 E. Fourth Street, Cincinnati, Ohio 45206  
22A AO 1850

EEOC CHARGE NUMBER

75051700 (28377) 051700

FEPA CHARGE NUMBER

**NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS**  
*( See EEOC "Rules and Regulations" for additional information )*

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- ☒ Title VII of the Civil Rights Act of 1964 ☐ The Americans with Disabilities Act (ADA)  
☐ The Age Discrimination in Employment Act of 1967 (ADEA)

HAS BEEN RECEIVED BY

- ☐ The EEOC and sent for initial processing to \_\_\_\_\_  
 (FEP Agency)  
☒ The Ohio Civil Rights Commission (OCRC) and sent to the EEOC for dual filing purposes.  
 (FEP Agency)

EEOC has jurisdiction after the expiration of any deferral requirement (Title VII or ADA charge) to investigate this charge. EEOC may refrain from beginning a investigation and await the issuance of OCRC's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are encouraged to cooperate fully with OCRC. All facts and evidence provided by you to OCRC in the course of its proceedings will be considered by EEOC when it reviews the OCRC's final findings and orders. In many instances, the EEOC will take no further action, thereby avoiding the necessity of an investigation by both agencies. This likelihood is increased by your active cooperation with OCRC.

☐ As a party to the charge, you may request that EEOC review the final decision and order of OCRC. For such a request to be honored, you must notify EEOC in writing within 15 days of your receipt of the OCRC's final decision and order. If OCRC terminates its proceedings without issuing a final finding and order, you will be contacted further by EEOC. Regardless of whether OCRC or EEOC processes the charge, the Recordkeeping and Non-Retaliation provisions of the statutes as explained in the "EEOC Rules and Regulations" apply.

*For further correspondence on this matter, please use the charge number(s) shown.*

- ☐ An Equal Pay Act Investigation [ 29 U.S.C. 206(d) ] will be conducted by the EEOC concurrently with OCRC's investigation of the charge.  
☒ Enclosure: Copy of Charge

**BASIS OF DISCRIMINATION**

- ☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ AGE ☐ OTHER  
☐ DISABILITY ☐ RETALIATION

DATE  
 5/19/00

TYPED NAME/TITLE OF AUTHORIZED OCRC OFFICIAL  
 ROGER LARISON, REGIONAL DIRECTOR

SIGNATURE



## EEOC DUAL FILING NOTICE

The Ohio Civil Rights Commission (OCRC), an agency of the State of Ohio, and the Equal Employment Opportunity Commission (EEOC), an agency of the United States government, are cooperating to give charges of discrimination a rapid and complete investigation.

You are hereby notified that this charge of employment discrimination was filed under the following Federal statute:

- ☐ Age Discrimination Employment Act
- ☒ Title VII of the Civil Rights Act of 1964
- ☐ Title I of the Americans with Disabilities Act

The attached charge will be investigated by either the OCRC or the EEOC. When one agency completes its investigation, it will share the information it has gathered with the other agency. When the case is resolved it will be considered closed with both the EEOC and the OCRC and you will be notified of the actions taken.

The EEOC may be contacted at the following address:

Equal Employment Opportunity Commission  
Tower City - Skylight Office Tower  
1660 West Second Street, Suite 850  
Cleveland, Ohio 44113-1454  
(216) 522-2001

OHIO CIVIL RIGHTS COMMISSION  
AND  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR WITHDRAWAL OF CHARGE DISCRIMINATION

You have requested withdrawal of your dual-filed charge from the Ohio Civil Rights Commission (OCRC) and the Equal Employment Opportunity Commission (EEOC). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by both Commissions, your request will be considered and acted upon when received. Please note that both Commissions are still prepared to proceed with your case if you so desire.

75051700 (28377) 051700  
OCRC CASE NUMBER

22A A0 1850 Amended  
EEOC CASE NUMBER

Todd Tolbert

Cinergy Corp. and The  
Cincinnati Gas & Electric Company

CHARGING PARTY

RESPONDENT

CHARGING PARTY -- COMPLETE INFORMATION BELOW

I am aware that OCRC and EEOC protect my rights to file a charge and have been advised that it is unlawful for any person covered by ORC-4112 or the laws administered by EEOC to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal. I am requesting a Right to Sue Letter, upon the advise of my Attorney. I understand that this is the final resolution of this matter with the Commission.

SIGNATURE

DATE

WITNESS

OHIO CIVIL RIGHTS COMMISSION



**OHIO CIVIL RIGHTS COMMISSION AND EEOC**

Exhibit "H"  
Page 1 of 3

NAME (INDICATE MR., MS., MRS.)

RODNEY V. JONES

HOME TELEPHONE (INCLUDE AREA CODE)

(513) 742-8609

STREET ADDRESS

CITY, STATE, ZIP CODE AND COUNTY

HAMILTON

DATE OF BIRTH

11449 LINCOLNSHIRE RD CINTI, OHIO 45240

8/6/63

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

NAME

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE  
EARLIEST(ADEA/EPA) LATEST (ALL)

☒ CONTINUOUS ACTION

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

1994-5-17-2000

Cinergy Gas & Electric Co., Inc., has consistently limited or blocked my ability to receive promotions. Cinergy's hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

The policies adopted by Cinergy have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy, thriving work environment.

**CINERGI**  
4/11/00 12:45:55  
L

☒ I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (WHEN NECESSARY FOR STATE AND LOCAL REQUIREMENTS)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(DAY/MONTH, YEAR)

DATE 4/11/00

CHARGING PARTY SIGNATURE

Rodney V. Jones  
4/11/00 W. P. [Signature]

NOTARY PUBLIC - STATE OF OHIO  
My Commission has no expiration date, Section 147.03 R. C.

**Rodney V. Jones**  
**V**  
**Cinergy Gas & Electric Co.**

PERSON FILING CHA  
 Rodney V. Jones

Exhibit "H"  
 Page 2 of 3

THIS PERSON (✓check one)

- ☒ CLAIMS TO BE AGGRIEVED  
☐ IS FILING ON BEHALF OF ANOTHER

DATE OF ALLEGED VIOLATION

@

Earliest 5/17/00

Most Recent

PLACE OF ALLEGED VIOLATION  
 139 E. Fourth Street, Cincinnati, Ohio 45206

22A AO 1852

EEOC CHARGE NUMBER

75051700 (28379) 051700

EFEA CHARGE NUMBER

**NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS**  
*( See EEOC "Rules and Regulations" for additional information )*

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- ☒ Title VII of the Civil Rights Act of 1964 ☐ The Americans with Disabilities Act (ADA)  
☐ The Age Discrimination in Employment Act of 1967 (ADEA)

HAS BEEN RECEIVED BY

- ☐ The EEOC and sent for initial processing to \_\_\_\_\_  
 (FEP Agency)  
☒ The Ohio Civil Rights Commission (OCRC) and sent to the EEOC for dual filing purposes.  
 (FEP Agency)

EEOC has jurisdiction after the expiration of any deferral requirement (Title VII or ADA charge) to investigate this charge. EEOC may refrain from beginning a investigation and await the issuance of OCRC's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

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*For further correspondence on this matter, please use the charge number(s) shown.*

- ☐ An Equal Pay Act Investigation [ 29 U.S.C. 206(d) ] will be conducted by the EEOC concurrently with OCRC's investigation of the charge.

- ☒ Enclosure: Copy of Charge

**BASIS OF DISCRIMINATION**

- ☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ AGE ☐ OTHER  
☐ DISABILITY ☐ RETALIATION

DATE  
 5/19/00

TYPED NAME/TITLE OF AUTHORIZED OCRC OFFICIAL  
 ROGER LARSON, REGIONAL DIRECTOR

SIGNATURE

## EEOC DUAL FILING NOTICE

The Ohio Civil Rights Commission (OCRC), an agency of the State of Ohio, and the Equal Employment Opportunity Commission (EEOC), an agency of the United States government, are cooperating to give charges of discrimination a rapid and complete investigation.

You are hereby notified that this charge of employment discrimination was filed under the following Federal statute:

- ☐ Age Discrimination Employment Act
- ☒ Title VII of the Civil Rights Act of 1964
- ☐ Title I of the Americans with Disabilities Act

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The EEOC may be contacted at the following address:

Equal Employment Opportunity Commission  
Tower City - Skylight Office Tower  
1660 West Second Street, Suite 850  
Cleveland, Ohio 44113-1454  
(216) 522-2001

## OHIO CIVIL RIGHTS COMMISSION AND EEOC

Exhibit "I"

Page 1 of 2

NAME (INDICATE MR., MS, MRS.)

Rodney V. Jones

HOME TELEPHONE (INCLUDE AREA CODE)

513-742-8609

STREET ADDRESS

CITY, STATE, ZIP CODE, AND COUNTY

11449 Lincolnshire Rd. Cincinnati, OH 45240

DATE OF BIRTH

8-6-63

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW.)

NAME

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

Cinergy Corp

+15

513-287-2649

STREET ADDRESS

CITY, STATE AND ZIP CODE

139 East Fourth Street P O Box 960 Cincinnati, OH 45201-0960

COUNTY

Hamilton

NAME

TELEPHONE (INCLUDE AREA CODE)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

## CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE

EARLIEST(ADEA/EPA) LATEST(ALL)

Prior to and on June 23, 2000

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

[ X ] CONTINUING ACTION

I am a Black Male. I have taken approximately seven (7) tests in order to qualify for a promotion.

- I. The percentage of Blacks that work for the company is far below the demographics for this area demonstrating the percentage of Blacks living in this area. The company's hiring and promotional policies adversely impact Black persons. In addition, to contributing to negative items in my employee personnel jacket. The company has created a hostile work atmosphere, and I am held to a different standard. Prior to and on June 23, 2000, I was denied a promotion for Lineperson C position.
- II. There is no reason for the disparate treatment.
- III. I believe that I have been unlawfully discriminated against because of my race for the following reasons:
- a. Cinergy Corp has consistently limited or blocked my ability to receive promotions. Hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

☒ I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (When necessary for State and Local Requirements)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(DAY, MONTH, YEAR)

OHIO CIVIL RIGHTS COMMISSION

I DECLARE, UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE

CHARGING PARTY SIGNATURE

8/29/00

Rodney V. Jones

Rodney V. Jones

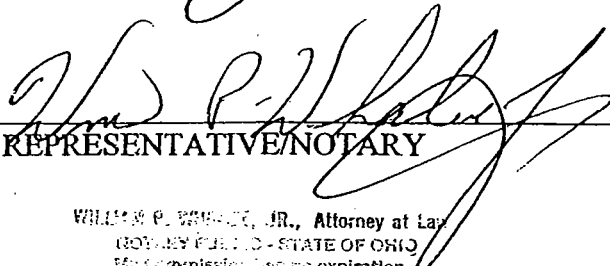
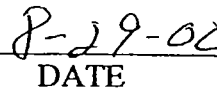
8/29/00

## PAGE TWO OF TWO

Rodney V. Jones v. Cinergy Corp.

062300 (28379) 051700, 22A A0 1852 AMENDED

- b. The policies adopted by Cinergy Corp. have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.
- c. The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy thriving work environment.
- d. The company posted the following: Lineperson C – March 10, 2000, Lineperson C - June 11, 1999, Lineperson C – December 4, 1998, and Lineperson C – June 23, 2000.

  
SIGNATURE OF COMPLAINANT  
DATE  
C.R.C. REPRESENTATIVE/NOTARY  
DATE

WILLIAM P. WHELAN, JR., Attorney at Law  
RODNEY PUBLIC - STATE OF OHIO  
My Commission Expires  
Cato, Section 147.05 R, C.

OHIO CIVIL RIGHTS COMMISSION  
AND  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR WITHDRAWAL OF CHARGE DISCRIMINATION

You have requested withdrawal of your dual-filed charge from the Ohio Civil Rights Commission (OCRC) and the Equal Employment Opportunity Commission (EEOC). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by both Commissions, your request will be considered and acted upon when received. Please note that both Commissions are still prepared to proceed with your case if you so desire.

75062300 (28379) 051700  
OCRC CASE NUMBER

22A A0 1852 Amended  
EEOC CASE NUMBER

Rodney V. Jones

Cinergy Corp. and The  
Cincinnati Gas & Electric Company

CHARGING PARTY

RESPONDENT

CHARGING PARTY -- COMPLETE INFORMATION BELOW

I am aware that OCRC and EEOC protect my rights to file a charge and have been advised that it is unlawful for any person covered by ORC-4112 or the laws administered by EEOC to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal. I am requesting a Right to Sue Letter, upon the advise of my Attorney. I understand that this is the final resolution of this matter with the Commission.

SIGNATURE

DATE

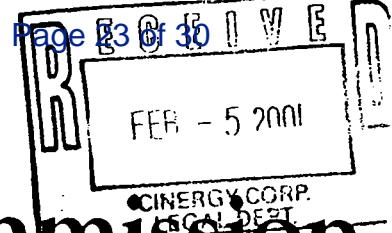
WITNESS

OHIO CIVIL RIGHTS COMMISSION



# Ohio Civil Rights Commission

"Many Faces...One Cause"



Rodney V. Jones  
11449 Lincolnshire Rd.  
Cincinnati, OH 45240

Jay R. Alvaro  
Counsel  
Cinergy Corp. and  
The Cincinnati Gas &  
Electric Company  
139 E. Fourth Street  
P O Box 960  
Cincinnati, OH 45201

## CENTRAL OFFICE

111 E. Broad Street, Suite 301  
Columbus, Ohio 43205-1379  
(614) 466-2785  
TY (614) 466-9353  
AX (614) 644-8776

## KRON REGIONAL OFFICE

Kron Government Center  
51 S. High Street, Suite 205  
Kron, Ohio 44308  
(330) 643-3100  
Voice-TTY  
AX (330) 643-3120

## CINCINNATI REGIONAL OFFICE

Holiday Park  
31-B W. 8th Street, 2nd Floor  
Cincinnati, Ohio 45203  
(513) 852-3344  
Voice-TTY  
AX (513) 852-3357

## LEVELAND REGIONAL OFFICE

15 W. Superior Avenue, Suite 885  
Cleveland, Ohio 44113  
(216) 787-3150  
Voice-TTY  
AX (216) 787-4121

## COLUMBUS REGIONAL OFFICE

111 E. Broad Street, Suite 301  
Columbus, Ohio 43205-1379  
(614) 466-5928  
Voice-TTY  
AX (614) 466-6250

## DAYTON REGIONAL OFFICE

60 W. 4th Centre, Suite 1900  
Dayton, Ohio 45402-1831  
(937) 285-6500  
Voice-TTY  
AX (937) 285-6606

## TOLEDO REGIONAL OFFICE

One Government Center  
Jackson & Erie Streets, Room 936  
Toledo, Ohio 43604  
(419) 245-2900  
Voice-TTY  
AX (419) 245-2668

75062300 (28379) 051700  
22A A0 1852 Amended

Charging Party, Rodney V. Jones, has filed an affidavit with the Ohio Civil Rights Commission and the Equal Employment Opportunity Commission, alleging that he was subjected to different terms and conditions of employment, i.e., hostile work atmosphere, held to a different standard and denied a promotion, by the Respondent, Cinergy Corp. and The Cincinnati Gas & Electric Company because of his race.

All jurisdictional requirements for filing a charge have been met.

Charging Party executed a Withdrawal of Charge form because he will be requesting a Right To Sue Letter in order to pursue this matter in federal court.

The Ohio Civil Rights Commission has determined that no purpose would be served by continuing this matter and has entered into its records a finding of **WITHDRAWAL OF CHARGE - GRANT**. The matter is **CLOSED**.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Exhibit "L"

**NOTICE OF RIGHT TO SUE**

( Issued on request )

To: Rodney V Jones  
11449 LINCOLNSHIRE RD.  
CINCINNATI, OH 45240

From:  
EQUAL EMPLOYMENT OPPORTUNITY COMM.  
Equal Employment Opportunity Comm  
1660 W 2nd St, Skylight Tower, #850  
Cleveland, OH 44113-1412

☐ On behalf of a person aggrieved whose identity is **CONFIDENTIAL**  
( 29 C.F.R. 1601.7(a) )

**Charge Number**

22AA01852

**EEOC Representative**

Legal Dept. Duty Officer

**Telephone Number**

(216) 522-7445

( See the additional information attached to this form )

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue. It is issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.  
☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.  
☒ The EEOC is terminating its processing of this charge.  
☐ The EEOC will continue to process this charge.


**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.  
☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required). EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission

  
Michael C. Fetzer, Director

MAR 13 2001

(Date)

**Enclosure(s)**

cc: Executive Officer  
CINERGY GAS & ELECTRIC CO.  
139 E. FOURTH ST.  
CINCINNATI, OH 45202



**IO CIVIL RIGHTS COMMISSION AND EEOC**

Exhibit "M"  
 Page 1 of 2

IE (INDICATE MR., MS., MRS.)

Mr. Anthony Martin

HOME TELEPHONE (INCLUDE AREA CODE)

(513) 522-4988

EET ADDRESS

CITY, STATE, ZIP CODE AND COUNTY

DATE OF BIRTH

26 Random Hill RD, Cincinnati, Ohio, 45231

12-1-60

IED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL  
 'ERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

IE

CINERGY CO

NUMBER OF EMPLOYEES

TELEPHONE (INCLUDE AREA CODE)

EET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

IE

TELEPHONE (INCLUDE AREA CODE)

EET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

HAMILTON

USE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))  
 RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐  
 RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE  
 EARLIEST (ADEA/EPA) LATEST (ALL)

6 Yes 1 CONTINUOUS ACTION

THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S):

ago

5-17-2000  
 1994-2000

Cinergy Gas & Electric Co., Inc., has consistently limited or blocked my ability to receive promotions. Cinergy's hiring and promotional policies have inhibited my ability to achieve promotions and/or employment.

The policies adopted by Cinergy have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy, thriving work environment.

CINCINNATI

7:18 PM  
 7/28/01  
 11:12:34:56

I ALSO WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE  
 IE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I  
 WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY  
 CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (WHEN NECESSARY FOR STATE AND LOCAL REQUIREMENTS)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE  
 BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DECLARE UNDER PENALTY OF PERJURY THAT THE  
 FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF COMPLAINANT

Anthony Martin  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (DAY, MONTH, YEAR)

DATE 4-11-00 CHARGING PARTY SIGNATURE

4-11-00

NOTARY PUBLIC - STATE OF OHIO  
 My Commission has no expiration  
 date, Section 147.03 R.C.

Anthony Martin

V

Cinergy Corp.

## PERSON FILING CHARGE

Exhibit "M"  
Page 2 of 2Anthony MartinTHIS PERSON (☒ check one)

- ☒ CLAIMS TO BE AGGRIEVED  
☐ IS FILING ON BEHALF OF ANOTHER

## DATE OF ALLEGED VIOLATION

Earliest

Prior to and on May 17, 2000  
Most Recent

Cincinnati, Ohio Hamilton county  
 PLACE OF ALLEGED VIOLATION

22A A0 1849  
 EEOC CHARGE NUMBER

75051700 (28376) 051700  
 FEPA CHARGE NUMBER

**NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS**  
*(See EEOC "Rules and Regulations" for additional information)*

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- ☒ Title VII of the Civil Rights Act of 1964  
☐ The Americans with Disabilities Act (ADA)  
☐ The Age Discrimination in Employment Act of 1967 (ADEA)

HAS BEEN RECEIVED BY

☐ The EEOC and sent for initial processing to \_\_\_\_\_  
 (FEP Agency)

☒ The Ohio Civil Rights Commission (OCRC) and sent to the EEOC for dual filing purposes.  
 (FEP Agency)

EEOC has jurisdiction after the expiration of any deferral requirement (Title VII or ADA charge) to investigate this charge. EEOC may refrain from beginning investigation and await the issuance of OCRC's final findings and orders. These final findings and orders will be given weight by EEOC in making its own termination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

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or further correspondence on this matter, please use the charge number(s) shown.

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☒ Enclosure: Copy of Charge

## BASIS OF DISCRIMINATION

- ☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ AGE ☐ OTHER  
☐ DISABILITY ☐ RETALIATION

DATE  
 May 18, 2000

TYPED NAME/TITLE OF AUTHORIZED OCRC OFFICIAL  
 ROGER LARSON, REGIONAL DIRECTOR

SIGNATURE

is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

☒ FEPA  
☒ EEOC

CHARGE NUMBER

75051700 (28376) 051700,  
22A A0 1849 AMENDED

OHIO CIVIL RIGHTS COMMISSION AND EEOC

State or Local Agency, if any

Exhibit "N"

Page 1 of 2

(INDICATE MR., MS, MRS.)

Anthony Martin

HOME TELEPHONE (INCLUDE AREA CODE)

513-522-4988

ADDRESS CITY, STATE, ZIP CODE, AND COUNTY

6 Random Hill Road Cincinnati, OH 45231

DATE OF BIRTH

12-1-60

IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO  
DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW.)

Energy Corp.

NUMBER OF EMPLOYEES

+15

TELEPHONE (INCLUDE AREA CODE)

513-287-2649

ADDRESS CITY, STATE AND ZIP CODE

East Fourth Street P O Box 960 Cincinnati, OH 45201-0960

COUNTY

Hamilton

TELEPHONE (INCLUDE AREA CODE)

ADDRESS CITY, STATE AND ZIP CODE

COUNTY

STATE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ TALLATION ☐ AGE ☐ DISABILITY ☐ OTHER (SPECIFY)

DATE DISCRIMINATION TOOK PLACE

EARLIEST(ADEA/EPA) LATEST(ALL)

Prior to and on May 17, 2000

ARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S)).

[ X ] CONTINUING ACTION

a Black male.

The percentage of Blacks that work for the company is far below the demographics for this area demonstrating the percentage of Blacks living in this area. The company's hiring and promotional policies adversely impact Black persons. In addition, to contributing to negative items in my employee personnel jacket. The company has created a hostile work atmosphere, and I am held to a different standard. Prior to and on May 17, 2000, I have been denied the opportunity to take a promotional exam.

I. There is no reason for this disparate treatment.

II. I believe that I have been unlawfully discriminated against because of my race for the following reasons:

DO NOT WANT THIS CHARGE FILED WITH THE EEOC. I WILL ADVISE THE AGENCIES IF I  
RE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH  
IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURE.

NOTARY (When necessary for State and Local Requirements)

I SWEAR OR AFFIRM THAT I HAVE READ THE ABOVE CHARGE AND  
THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION  
AND BELIEF.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(DAY, MONTH, YEAR)

ARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

8-28-00

CHARGING PARTY SIGNATURE

OHIO CIVIL RIGHTS COMMISSION

TWO OF TWO

by Martin v. Cinergy Corp.

700 (28376) 051700, 22A A0 1849 AMENDED

Cinergy Corp. has consistently limited or blocked my ability to receive promotions. Hiring and promotional policies have inhibited my ability to achieve promotions and / or employment.

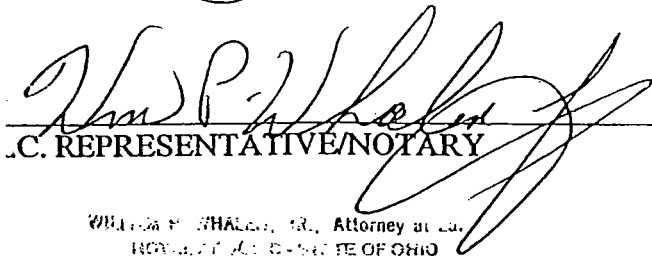
The policies adopted by Cinergy Corp. have contributed negative items to my employee personnel jacket, and I am held to a different standard based solely on racial bias.

The racial prejudice by Cinergy has created a hostile atmosphere that inhibits my ability to work, and refuses my right to enjoy a healthy thriving work environment.

I cannot take a promotional exam as a result of my objections to disciplinary action from an accident, which occurred on the job.

  
\_\_\_\_\_  
PLAINTIFF

8-22-00  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
NOTARY PUBLIC

8-28-00  
\_\_\_\_\_  
DATE

WILLIAM P. WHALEN, JR., Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My Commission Expires: 12/31/2004  
Columbus, Ohio 43215-1234

RECEIVED  
ORIGINAL  
AUG 28 2000

OHIO CIVIL RIGHTS COMMISSION  
AND  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR WITHDRAWAL OF CHARGE DISCRIMINATION

You have requested withdrawal of your dual-filed charge from the Ohio Civil Rights Commission (OCRC) and the Equal Employment Opportunity Commission (EEOC). In order to initiate such action, please furnish the information below. Since a request for withdrawal is subject to approval by both Commissions, your request will be considered and acted upon when received. Please note that both Commissions are still prepared to proceed with your case if you so desire.

75051700 (28376) 051700  
OCRC CASE NUMBER

22A A0 1849 Amended  
EEOC CASE NUMBER

Anthony Martin

Cinergy Corp. and The  
Cincinnati Gas & Electric Company

CHARGING PARTY

RESPONDENT

CHARGING PARTY -- COMPLETE INFORMATION BELOW

I am aware that OCRC and EEOC protect my rights to file a charge and have been advised that it is unlawful for any person covered by ORC-4112 or the laws administered by EEOC to threaten, intimidate or harass me because I have filed a charge. I have not been coerced into requesting this withdrawal. I am requesting a Right to Sue Letter, upon the advise of my Attorney. I understand that this is the final resolution of this matter with the Commission.

Anthony Martin

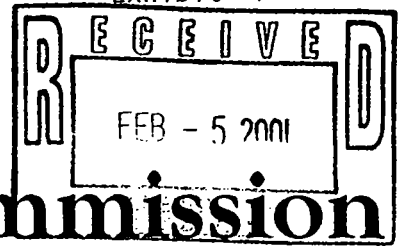
SIGNATURE

12-18-00

DATE

WITNESS

[Signature]  
OHIO CIVIL RIGHTS COMMISSION



# Ohio Civil Rights Commission

"Many Faces...One Cause"

FEB 1 2001

Anthony Martin  
1326 Random Hill Road  
Cincinnati, OH 45231

Jay R. Alvaro  
Counsel  
Cinergy Corp. and  
The Cincinnati Gas &  
Electric Company  
139 E. Fourth Street  
P O Box 960  
Cincinnati, OH 45201

ENTRAL OFFICE  
111 E. Broad Street, Suite 301  
Columbus, Ohio 43205-1379  
(614) 466-2785  
TTY (614) 466-9353  
AX (614) 644-8776

KRON REGIONAL OFFICE  
Kron Government Center  
51 S. High Street, Suite 205  
Kron, Ohio 44308  
(330) 643-3100  
Voice-TTY  
AX (330) 643-3120

CINCINNATI REGIONAL OFFICE  
Holiday Park  
81-B W. 8th Street, 2nd Floor  
Cincinnati, Ohio 45203  
(513) 852-3344  
Voice-TTY  
AX (513) 852-3357

LEVELAND REGIONAL OFFICE  
15 W. Superior Avenue, Suite 885  
Cleveland, Ohio 44113  
(216) 787-3150  
Voice-TTY  
AX (216) 787-4121

COLUMBUS REGIONAL OFFICE  
111 E. Broad Street, Suite 301  
Columbus, Ohio 43205-1379  
(614) 466-5928  
Voice-TTY  
AX (614) 466-6250

DAYTON REGIONAL OFFICE  
10 W. 4th Centre, Suite 1900  
Dayton, Ohio 45402-1831  
(937) 285-6500  
Voice-TTY  
AX (937) 285-6606

TOLEDO REGIONAL OFFICE  
One Government Center  
Jackson & Erie Streets, Room 396  
Toledo, Ohio 43604  
(419) 245-2900  
Voice-TTY  
AX (419) 245-2668

75051700 (28376) 051700  
22A A0 1849 Amended

Charging Party, Anthony Martin, has filed an affidavit with the Ohio Civil Rights Commission and the Equal Employment Opportunity Commission, alleging that he was subjected to different terms and conditions of employment, i.e., hostile work atmosphere, held to a different standard and denied the opportunity to take a promotional exam, by the Respondent, Cinergy Corp. and The Cincinnati Gas & Electric Company because of his race.

All jurisdictional requirements for filing a charge have been met.

Charging Party executed a Withdrawal of Charge form because he will be requesting a Right To Sue Letter in order to pursue this matter in federal court.

The Ohio Civil Rights Commission has determined that no purpose would be served by continuing this matter and has entered into its records a finding of **WITHDRAWAL OF CHARGE - GRANT**. The matter is **CLOSED**.